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## **PART - VII GOVERNMENT OF MEGHALAYA ORDERS BY THE GOVERNOR**

### **NOTIFICATIONS**

The 9th July, 2009.

**No.PER.55/97/Pt/146.**—The following Notification issued by the Govt. of India, Ministry of Personnel, Public Grievances & Pensions, Department of Personnel & Training, New Delhi is hereby republished for general information.

{Notification No.14021/11/2008-AIS-II, dated 15th April, 2009.

**G.S.R.253(E).**—In exercise of the powers conferred by sub-section (1) of section 3 of the All India Services Act, 1951 (61 of 1951), the Central Government after consultation with the Governments of the States concerned, hereby makes the following rules further to amend the Indian Administrative Service (Pay) Rules, 2007, namely :-

1. These rules may be called the Indian Administrative Service (Pay) Amendment Rules, 2009.
2. They shall be deemed to have come into force on the 1st day of January, 2006 except as otherwise provided.
3. In Schedule 1 of the Indian Administrative Service (Pay) Rules, 2007 (hereinafter referred to as the said rules), —

(a) for paragraph (1), the following paragraph shall be substituted, namely:-

“(1) Notwithstanding anything contained in the first proviso to sub-rule (1) of rule 3, and the Notes there under, the initial pay of a promoted officer or an officer appointed by selection, as the case may be, shall be fixed in the pay band 3 or pay band 4 by adding one increment equal to 3 % of the sum of the pay in the pay band and the grade pay applicable which will be rounded off to the next multiple of 10. In addition, the grade pay of Senior Time Scale or Junior Administrative Grade or Selection Grade, corresponding to pay scale or grade pay in the State Service, shall be granted.

Provided that the grade pay attached to Selection Grade shall be granted with the pay in running pay band-4 only”.

**HARJOT KAUR,**  
Director,}

**D. SYIEM,**  
Officer on Special Duty,  
Personnel & A.R. (A) Department.

The 9th July, 2009.

**No.PER.39/2007/159.**—The following Notification issued by the Govt. of India, Ministry of Personnel, Public Grievances & Pensions, Department of Personnel & Training, New Delhi is hereby republished for general information.

“Notification No.14013/01/2009-AIS-III, dated 16th March, 2009.

In exercise of the powers conferred by Rule 3-A of the Indian Administrative Service (Probation) Rules, 1954, the President is pleased to confirm, in the Indian Administrative Service, the following members of the Indian Administrative Service borne on the State Cadre of Assam Meghalaya with effect from the dates shown against them :-

<b><u>Sl. No.</u></b>	<b><u>Name of the officer</u></b>	<b><u>Batch</u></b>	<b><u>Date of confirmation</u></b>
1.	Shri Jones Ingti Kathai	1990	30th December, 1997.
2.	Shri Ritendra Nath Sharma	1990	30th December, 1997.
3.	Shri Laxmi Nath Tamuly	1990	30th December, 1997.
4.	Shri Joy Chandra Goswami	1992	28th June, 2002.
5.	Shri Hemanga Kishore Sharma	1992	10th December, 2005.
6.	Shri J. Lyngdoh	1995	5th March, 2002.
7.	Shri S. F. Khongwir	1995	5th March, 2002.
8.	Smti. M. H. K. Marak	1995	5th March, 2002.
9.	Shri H. L. Pyrtuh	1995	5th June, 2003.
10.	Shri B. Dhar	1996	21st January, 2004.
11.	Smti. L. Kharkongor	1996	22nd January, 2004.

**G. C. PANDEY,**

Under Secretary to the Govt. of India”

**D. SYIEM,**

Officer on Special Duty,  
Personnel & A.R. (A) Department.

The 7th July, 2009.

**No.POL.40/2003/Pt/227.**—The following Notification issued by the Government of India, Ministry of Home Affairs, is hereby republished for general information.

**MINISTRY OF HOME AFFAIRS**

New Delhi, the 28th May, 2009.

**S.O.1372(E).**—In terms of section 4(4) of the Unlawful Activities (Prevention) Act, 1967, the order of the Tribunal presided over by Hon'ble Justice Rekha Sharma, Judge Delhi High Court, to whom a reference was made under Section 4(1) of the Unlawful Activities (Prevention) Act, 1967 for adjudicating whether or not there is sufficient cause for declaring the Hynniewtrep National Liberation Council (HNLC) organization of Meghalaya as Unlawful is published for general information:

**BEFORE THE UNLAWFUL ACTIVITIES (PREVENTION) TRIBUNAL CONSISTING OF HON'BLE**

**MS. JUSTICE REKHA SHARMA.**

**In the matter of :** Notification No.S.O.2665(E) dated 16-11-2008. Government of India, Ministry of Home Affairs, Part II, Section (ii), declaring Hynniewtrep National Liberation Council of Meghalaya as Unlawful Association.

**ORDER**

By notification No. S.O. 2665 (E) published on November 16, 2008 in the (Extraordinary) Gazette of India, the Central Government, Ministry of Home Affairs, in exercise of the powers conferred upon it under sub-section (I) of section 3 of the Unlawful Activities (Prevention) Act, 1967 (hereinafter referred to as the 'Act'), has declared Hynniewtrep National Liberation Council of Meghalaya (hereinafter referred to "HNLC"), with all its factions, wings and front organization, as an unlawful organization with immediate effect on the ground that the said organization and its various factions have as their professed aim and objective the secession of areas in the State of Meghalaya largely inhabited by Khasi and Jaintia tribals from India through violent means.

It is stated in the notification that in order to achieve their objective, HNLC has been indulging in acts of intimidation, extortion and looting of civilian population for collection of funds for their organization; maintaining links with other insurgent groups of the North Eastern Region for carrying out acts of extortion and intimidation and maintaining camps in some neighbouring countries for the propose of sanctuary and training of their cadres.

It is further stated in the notification that HNLC was involved in three incidents of violence each in 2006 and 2007 and one incident of violence in 2008 (upto June 30, 2008) resulting in killing of one and two persons including one security personnel in the years 2006 & 2007 respectively. It is also stated in the notification that the Central Government is of the opinion that, "the aforesaid activities of the HNLC are detrimental to the sovereignty and integrity of India, and if these are not immediately curbed and controlled, the said HNLC would regroup and rearm itself, expand its cadres, procure sophisticated weapons, cause loss of lives of civilians and Security Forces, and accelerate its anti-national activities".

Since in terms of the Act, a reference has to be made to a Tribunal for the purpose of adjudicating whether or not there exists sufficient cause for declaring HNLC an unlawful association, the Government of India issued a notification dated December 11, 2008 under sub section (1) of Section 5 of the Act constituting this Tribunal for the purpose of adjudicating whether or not there was sufficient cause for declaring HNLC as unlawful association. The said notification reads as under :-

**“MINISTRY OF HOME AFFAIRS”**

New Delhi, the 11th December, 2008.

**S.O. 28. 2860(E).**—In exercise of the powers conferred by sub-section (1) of Section 5 of the Unlawful Activities (Prevention) Act, 1967 (37 of 1967), the Central Government hereby constitutes “The Unlawful Activities (Prevention) Tribunal” consisting of Ms. Justice Rekha Sharma, Judge of Delhi High Court, for the purpose of adjudicating whether or not there is sufficient cause of declaring the Hynniewtre National Liberation Council (HNLC) of Meghalaya as Unlawful Association.

[F.No.11011/53/2008-NE.-III]

A. K. GOYAL, Jt. Secy.”

Along with the aforesaid Gazette notification of December 11, 2008 a brief resume regarding the aims and objectives of HNLC was furnished for the perusal and information of this Tribunal which runs as follows :-

**“AIMS AND OBJECTIVES OF HNLC**

The HNLC was formed in 1992 with the aim of Liberation of Hynniewtre People (Khasi and Jaintia tribals) from the authoritarian rule of the Indian Government, protect the Khasis and other Meghalaya tribes from exploitation, retain the indigenous culture and to eradicate social evils. It also vows to fight against any attempt to divide Khasi society.

**VIOLENCE PROFILE**

The violence by the outfit has declined significantly. During the years 2006, 2007 and 2008 (upto 30-06-2008), the HNLC was involved in three, three and one violent incidents respectively. These violent incidents by HNLC resulted in killing of one person and two persons (including one Security Force personnel) in the years 2006 and 2007 respectively. However, the outfit has regularly given calls every year for boycott of Republic Day and Independence Day celebrations and appeals to the people to observe bandh on these days as a mark of protest against the National Days. HNLC has also been opposing uranium mining in the State. On 10-01-2008, the outfit threatened that it would not spare any organization or individual supporting uranium mining in Meghalaya as the ore was the rightful property of the Hynniewtre people (Khasi and Jaintia tribals) and not of India.

Interrogation of Julius Dorphang, self-styled Chairman of HNLC who surrendered on 23-07-2007, has revealed that extortion from the Shillong region has been the main source of funds for the outfit.

**LINKS WITH UNDERGROUND OUTFITS OF NORTH EASTERN REGION**

The outfit continues to maintain links with the National Democratic Front of Boroland (NDFB), National Liberation Front of Tripura (Biswamohan Debbarma) and National Socialist Council of Nagaland (Isac-Muviah) [NSCN/IM]. According to available information, the outfit has camps or shelters in Bangladesh, and its top leaders Bobby Marwein, Self-Styled Commander in Chief and Cheristerfield Thangkiew, Self-Styled General Secretary, continue to operate from Bangladesh.

**AREAS OF INFLUENCE, CADRE STRENGTH AND WEAPONRY OF THE OUTFIT**

The HNLC is primarily operating in Khasi Hills of Meghalaya. The cadre of HNLC is estimated at 50 or 60. The total weaponry of the outfit at present is estimated at 20 including AK series rifles, light Machine Guns and Rifles.

In the light of the aforesaid facts stated by the Central Government and the State Government, the HNLC was declared Unlawful Organization under the Unlawful Activities (prevention) Act, 1967 for a period of two years beyond 15-11-2008 on the following grounds.

- (i) Openly declared objective of HNLC for secession of areas in the State of Meghalaya largely inhabited by Khasi and Jaintia tribals from India.
- (ii) Continued intimidation and extortion of civilian Population by HNLC for collection of funds for their organization;

- (iii) Maintaining links with other insurgent groups of the North Eastern region for carrying out acts of extortion and intimidation.
- (iv) Maintenance of camps in Bangladesh for the purpose of sanctuary and training of their cadres”.

Pursuant to the notification dated December 11, 2008 this Tribunal in its first sitting on January 09, 2009 directed issuance of notices under Section 4(2) of the Act to HNLC calling upon it to show cause within 30 days from the date of service of such notices as to why it should not be declared an unlawful association and why an order be not made confirming the declaration made in the notification dated November 16, 2008. Notices were also directed to be served on the aforesaid association by publication in the two National Daily newspapers, two local newspapers published in the locality where the association has its establishments or their presence is known in the State of Meghalaya and outside and also by affixing a copy thereof at conspicuous parts of the office, if any of the said association and by serving a copy of such notice wherever possible on the principal office bearers, if any of the association at their addresses by registered post or otherwise. It was also directed that a proclamation to be made by the beat of drums as well as by loudspeakers in the area about the contents of the notices and notification of the constitution of the Tribunal in the areas where the activities of the said association are ordinarily carried out. Furthermore, it was directed that the notices shall be pasted on the notice board of the office of each District Magistrate/Tehsildar at the Headquarters of the District or Tehsil and office of the Deputy Commissioner and market places. Lastly, the Central Government was directed to ensure that publicity was given in the electronic media, i.e. by Broadcasting/Telecasting.

Consequent to the orders so passed, an affidavit dated February 25, 2009 was filed by Shri R. R. Jha, Director to the Government of India in the Ministry of Home Affairs affirming to the fact that the notices were served upon the said organization by different modes as directed in the order dated January 09, 2009. The Registrar to this Tribunal also filed his report dated February 25, 2009 verifying the steps taken by the Central Government/State Government in serving and publishing the notices by different modes. An affidavit dated February 21, 2009 was also filed by Dr. Shreeranjana, Commissioner and Secretary to the Government of Meghalaya, Political Department, Shillong. The said Dr. Shreeranjana too affirmed to the fact that notices as directed by the Tribunal in its order dated January 09, 2009 were issued in the manner indicated therein. He also placed on record copies of the newspaper clippings carrying the notices; proof of the fact that notices were broadcasted through Shillong Station of All India Radio and were telecast through Doordarshan Kendra, Shillong.

In spite of service of notices, nobody came forward to represent the HNLC nor any petition, message, reply or letter have been received from the said organization by the Tribunal or its Registrar. Hence, the matter was fixed for recording *ex-parte* evidence and the same was recorded on March 26, 2009 and March 27, 2009 at Shillong and then again on April 20, 2009 at Delhi.

The Central Government in support of its case examined Shri R. R. Jha, Director to the Government of India, Ministry of Home Affairs. He had also filed an affidavit dated February 26, 2009 which he tendered in evidence. The same was exhibited as SW-9/1. He deposed that the facts relating to the activities of HNLC are contained in his affidavit and that the same be read as part of his evidence. As per the affidavit of Shri R. R. Jha, HNLC was formed in 1992. Its aims and objects include liberation of Hynniewtrep people (Khasi and Jaintia tribals) from the alleged authoritarian rule of the Indian Government. The objective of the outfit is to secede areas in the State of Meghalaya largely inhabited by Khasi and Jaintia tribals from India. It is further stated in the affidavit that HNLC vows to fight against any attempt to divide Khasi society and it regularly gives calls every year for boycott of Republic Day and Independence Day celebrations and appeals to the people to observe bandh on these days as a mark of protest against national holidays. It is also stated in the affidavit that to achieve its objectives, HNLC has continued to intimidate and engage in extortion from civilian population for collection of funds for their organization and this fact was also revealed from the interrogation of Julius Dorphang, self styled Chairman of HNLC who surrendered on July 23, 2007 and disclosed that extortion from the Shillong region has been the source of funds for the outfit. It is stated in the affidavit that HNLC has opposed uranium mining in the State and that on January 10, 2008, the outfit threatened that it would not spare any organization or individual supporting uranium mining in the Meghalaya as the ore was the rightful property of the Hynniewtrep people (Khasi and Jaintia tribals) and not of India. As per the affidavit, the outfit continues to maintain links with the National Democratic Front of Bodoland (NDFB), a banned organization; National Liberation Front of Tripura (Biswamohan Debbarma) again a banned organization and National Socialist Council of Nagaland (Isak-Muviah),

[NSCN (I/M)]. It has camps or shelters in Bangladesh and its top leaders. Bobby Marwein, self-styled Commander-in-Chief and Cheristerfield Thangkhiew, self-styled General Secretary continue to operate from Bangladesh. The organization is said to be maintaining links with unlawful associations in order to achieve its objective. The deponent Shri R. R. Jha along with his affidavit also placed on record details of the incidents of violence by HNLC during the year 2006, 2007 and 2008 and proved the same as Ex. SW-9/2. As per Ex-SW-9/2, on October 30, 2007, police intercepted a vehicle at Cleave Colony in which three HNLC UGs were traveling and that led to an encounter, in which three UGs and two sympathizers were killed and two police personnel were also injured (Police Station Laitumkhrah-Shillong, East Khasi Hills District). Again on November 07, 2007, an encounter took place between police and HNLC UGs at Pahamumdoh resulting in killing of a UG and severe injuries to Deputy Superintendent of Police (R. P. Diengdoh). In the same incident, two UGs were apprehended and remaining two managed to escape. Later, the injured Deputy Superintendent of Police succumbed to the injuries in the hospital (Police Station Nongpoh, Ri-Bhoi District). Yet again on December 16, 2007, Police apprehended two HNLC UGs from Narpuh reserved forest. On the basis of leads provided by them, police raided their hideout in the jungle which led to an encounter with UG (HNLC-4, NLFT/B-3). However, no casualty/inquiry was reported from either side and UGs managed to escape (police station - Khliehriat, Jaintia Hills District). Lastly, on March 26, 2008, on the information from I. B. Meghalaya, police busted a module of HNLC. In the encounter, two UGs were killed and six were arrested (Police Station Umkung, Jaintia Hills District).

As regards the incident of extortion, it is revealed from Ex-SW-9/2 that on February 15, 2008, HNLC had served a demand note of Rs 1 crore to M/S. Hills Cement Factory, Mynkre (Jaintia Hills District) and threatened dire consequences in case of failure to make payment. Again on May 20, 2008, Meghalaya police apprehended one HNLC cadre (B-Nonglait-23 years) while he along with two cadres was trying to extort money from coal exporters at Nongjri Village (West Khasi Hills District). The other two however managed to escape.

In so far as the State of Meghalaya is concerned, it had examined its Commissioner and Secretary, Political Department, Government of Meghalaya, namely, Dr. Shreeranjana who also tendered in evidence his affidavit dated February 21, 2009 and proved the same as EX.SW1/I. He deposed that HNLC is very active in four District of Meghalaya, namely, East Khasi Hills, West Khasi Hills, Jaintia Hills and Ri-Bhoi District. He further deposed that the aim and objectives of HNLC have been stated in detail in his affidavit. As per him, the HNLC is trying to achieve its aim and objectives by way of armed struggle and is collaborating with NSCN, NDFB and NLFT. He further deposed that the ban earlier imposed on HNLC has been helpful in curbing their activities and bringing its members to book and prayed that the ban imposed be continued in view of the fact that they are still indulging in the same type of illegal activities. According to his affidavit Ex-SW1/I which, as noticed above, he tendered in evidence, HNLC is indulging in extortion and looting of civilian population, businessmen etc, for collection of funds. It also hires services of women to extort money from several houses and business establishments. In support, newspaper cutting carrying the news to the said effect have been placed on record as Ex-SW1/9. The affidavit goes on to say that HNLC is maintaining links with almost all the militant groups in the North -East to procure arms and carry out extortion drive and is banking on the help by militant outfits, like NLFT in Jaintia Hills, NSCN (I-M) in West Khasi Hills and NDFB in Ri-Bhoi District. Here again newspaper cutting carrying such information has been placed and proved on record as Ex-SW1/10. It is also stated in the affidavit that top cadres of HNLC are hiding in Bangladesh from where they operate their unlawful, nefarious and anti-national activities. It is further stated that HNLC planned to kidnap industrialists from Byrnihat for ransom and has been camping in Paham Umdoh forest of Ri-Bhoi District. However, the plan was foiled as the police team led by Deputy Superintendent of Police. Raymond Diengdoh raided the hideout of the outfit. In the encounter that followed, the Deputy Superintendent of Police was critically injured and he succumbed to his injuries on way to the Army Hospital. One militant was also killed and two militant were arrested from the encounter site. This incident finds mention in a newspaper cutting Ex-SW1/11. It is also stated in the affidavit that HNLC has established strong relationship with other anti-national insurgent groups of the State of North-Eastern India, like the United Liberation Front of Assam (ULFA), the National Socialist Council of Nagaland (NSCN), the National Democratic Front of Bodoland (NDFB) and the National Liberation Front of Tripura (NLFT) which leads to a very strong belief that the HNLC will create more trouble in the near future and shall pose serious threat to national security and sovereignty of India. Yet, further it is stated in the affidavit that the business community is the main target of HNLC for extorting money. Lastly, it is stated that the HNLC is also carrying and keeping with them illegal arms and ammunitions in sizeable quantity in various hideouts with a view to achieve their unlawful aims and objectives.



Besides examining Dr. Shreeranjana, the State of Meghalaya also examined the Deputy Commissioners of four Districts, namely, East Khasi Hills, West Khasi Hills, Jaintia Hills and Ri-Bhoi District where HNLC is stated to be very active and operating as also their respective Superintendents of Police. The Deputy Commissioner of West Khasi Hills and the Deputy Superintendent of Police, namely, Shri Mebanshailang Rynjah Synrem and Shri G. D. Kharwanlang entered the witness-box as SW.2 & SW.3 respectively. Besides giving oral evidence, they also tendered their affidavits in evidence as Ex.SW 2/1 & Ex.SW 3/1. Likewise, the Deputy Commissioner of East Khasi Hills, Shri Bhalang Dhar and the erstwhile Superintendent of Police Shri A. R. Mawthoh also appeared as witnesses. They gave oral evidence as SW 4 and SW 5 and also tendered their affidavits in evidence as EX.SW4/1 & SW 5/1. the Deputy Commissioner of Jaintia Hills Shri Sanjay Goyal and Superintendent of Police, Jaintia Hills, Shri M. K. Singh appeared as SW6 & SW7 and tendered their respective affidavits dated March 26, 2009 in evidence as EX.SW6/1 and SW7/1 respectively. Lastly, the Deputy Commissioner of Ri-Bhoi District and the Deputy Superintendent of Police, namely, Ms. Lawanda Diengdoh and Shri Stephen A. Rynjah entered the witness-box as SW.8 & SW.10 respectively and also tendered in evidence their affidavits as EX.SW8/1 & EX.SW10/1.

All the above witnesses more or less deposed on similar lines as regards the unlawful activities of HNLC vis-a-vis their respective District. The sum and substance of their oral evidence and affidavits filed by them is to the following effect:-

- (1) that the main objective of HNLC is to secede from the territory of union of India and in order to achieve this object, it is indulging in unlawful activities such as extortion, kidnapping, etc.
- (2) the HNLC has links with other unlawful organization, like ULFA, NSCN, NDFB & NLFT.
- (3) that the top ranking leaders of HNLC are still hiding in Bangladesh and are carrying out their activities from across the border.
- (4) the cadres of HNLC are engaged in raising funds by issuing demand to the business community.
- (5) that the members of HNLC are still carrying on and are reportedly keeping with them illegal arms and ammunitions in sizeable quantity, with a view to carry out their aims and objectives and to subvert and disrupt the sovereignty and territorial integrity of India.
- (6) that the main targets of the HNLC are government officials and business community whom they intimidate and extort money from them.
- (7) that HNLC have been asking people not to participate in the celebrations of the Republic Day and the Independence Day. The basic object of this organization is to claim an independent State which demand poses a serious threat to the sovereignty, integrity and internal and external security of India.
- (8) that the ban imposed by the Central Government has helped in curbing the unlawful activities of the organization by taking recourse to stringent provisions of the Act.

The deponents have filed along with their affidavits copies of the FIRs registered in their respective districts during the period November 16, 2006 till the date of filing of affidavits before the Tribunal. These FIRs have been mainly registered under Sections 120B/121/121A/307/364/326/384/506/511/34 of the Indian Penal Code and Section 25(1-A)27(2)(3) of the Arms Act which inter-alia relate to waging or attempting to wage war or abetting waging of war, against the Government of India.

I have perused the Statements made on oath by the various witnesses, the affidavits filed on behalf of the Union of India and the Government of Meghalaya and the documents filed along with the affidavits. The evidence led and the material placed on records has gone unrebutted and unchallenged. The various affidavits and the statements made on oath reveal anti-national and secessionist tendency of HNLC. It is also deposed by the witnesses that HNLC had given calls for bandhs on days of historical importance, like Republic Day and Independence Day.

It stands established from the various affidavits and documents placed on records as well as from the statements of the witnesses that the objective of HNLC is to establish independent identity and a separate

country outside the Constitution and sovereign boundaries of India. The area of operation of HNLC mainly includes East Khasi Hills, West Khasi Hills, Jaintia Hills and Ri-Bhoi Districts. The organization possesses sophisticated fire arms procured through illegal means. It is indulging in activities prejudicial to the sovereignty and integrity of India and is resorting to violent means through arms actions with a view to achieve its objective. The FIRs placed and proved on record indicate that the outfit is indulging in extortion and illegal collections of money from civilian including businessmen, traders and has been targeting police personnel some of whom, as noticed above, sustained injuries and some succumbed to their injuries. It is also transpires from the material on record that HNLC has links and support of other North-Eastern secessionist insurgent groups and it is continuing to maintain its camps in neighbouring Bangladesh and is procuring large number of sophisticated arms and ammunition through clandestine channels.

What constitutes an “unlawful activity” and “unlawful association” under which HNLC has been so declared is defined in Sections 2(o) and 2(p) of the Act. The same are as under:-

2. Definitions - In this Act, unless the context

Otherwise requires-

XXXXXX XXXXXX XXXXXX  
XXXXXX XXXXXX XXXXXX

(o) “Unlawful activity”, in relation to an individual

Or association, means any action taken by such individual or association (whether by committing an act or by words, either spoken or written, or by signs or by visible representations or otherwise)

- (i) which is intended, or supports any claims, to bring about, on any ground whatsoever, the cession of a part of the territory of India or the secession of a part of the territory of India from the Union, or which incites any individual or group or individuals to bring about such cession or secession; or
- (ii) which disclaims, questions, disrupts or is intended to disrupt the sovereignty and territorial integrity of India; or
- (iii) which causes or is intended to cause disaffection against India.

(p) “unlawful association” means any association -

- (i) which has for its object any unlawful activity, or which encourages or aids persons to undertake any unlawful activity, or of which the members undertake such activity; or
- (ii) which has for its object any activity which is punishable under Section 153A or Section 153B of the Indian Penal Code. (45 of 1860), or which encourages or aids persons to undertake any such activity, or of which the members undertake any such activity;

Provided that nothing contained in sub-clause (ii) shall apply to the State of Jammu and Kashmir”.

It will also be appropriate to refer to the Statement of Objects and Reasons of the Act which are as under:-

### STATEMENT OF OBJECTS AND REASONS

Pursuant to the acceptance by Government of a unanimous recommendation of the Committee on National Integration and Regionalism appointed by the National Integration Council, the Constitution (Sixteenth Amendment) Act, 1963, was enacted empowering Parliament to impose, by law, reasonable restrictions in the interests of the Sovereignty and integrity of India, on the -

- (i) Freedom of speech and expression.
- (ii) Right to assemble peaceably and without arms; and
- (iii) Rights to form associations or unions



2. The object of this Bill is to make powers available for dealing with activities directed against the integrity and sovereignty of India”.

In view of the professed aims and objectives of the HNLC and its activities, as noticed above, there is no manner of doubt that its activities and its association are unlawful within the meaning of Section 2(o) & (p) of the Act and accordingly, I am satisfied that if HNLC is allowed to continue with its activities, it would further indulge in insurgent and unlawful activities. I am further satisfied that its activities would lead to disruption of the sovereignty and territorial integrity of India and if it is not banned or checked, not only the unlawful activities would increase but also an atmosphere may be created in the State for secession from India.

For the foregoing reasons, I am satisfied that there was sufficient cause for declaring HNLC and unlawful association. This Tribunal, accordingly, confirms the declaration made by the Central Government vide notification dated November 16, 2008 issued under sub-section (1) of Section 3 of the Unlawful Activities (Prevention) Act, 1967.

REKHA SHARMA,  
Judge, Presiding Officer  
[F.No.11011/53/2008-NE-III]  
NA VEEN VERMA, Jt. Secy.